



## Telecom Order CRTC 2025-17

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Ottawa–Gatineau, 23 January 2025

*File numbers: 1011-NOC2024-0043 and 4754-756*

### **Determination of costs award with respect to the participation of the Public Interest Advocacy Centre in the proceeding initiated by Compliance and Enforcement Notice of Consultation 2024-43**

#### **Application**

1. By letter dated 15 May 2024, the Public Interest Advocacy Centre (PIAC) applied for costs with respect to its participation in the proceeding initiated by Compliance and Enforcement Notice of Consultation 2024-43 (the proceeding). In the proceeding, the Commission invited comments on proposed conditions of service requiring implementation of the call traceback process by telecommunications service providers (TSPs) that provide voice telecommunications services.
2. The Commission did not receive any interventions in response to the application for costs.
3. PIAC submitted that it had met the criteria for an award of costs set out in section 68 of the *Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure* (the Rules of Procedure) because it represented a group or class of subscribers that had an interest in the outcome of the proceeding, it had assisted the Commission in developing a better understanding of the matters that were considered, and it had participated in a responsible way.
4. PIAC submitted that it represents the interests of all Canadian consumers, particularly low-income and vulnerable consumers. With respect to the specific methods by which PIAC has submitted that it represents this group or class, PIAC explained that it is held accountable for its representation of the public interest through a volunteer board of directors drawn from across Canada.
5. PIAC requested that the Commission fix its costs at \$4,444.71, consisting entirely of legal fees. PIAC's claim included the Ontario Harmonized Sales Tax (HST) on fees less the rebate to which PIAC is entitled in connection with the HST. PIAC filed a bill of costs with its application.
6. PIAC claimed 5.75 days at a rate of \$600 per day for in-house legal counsel to review the file, prepare the intervention, conduct legal research, and prepare reply comments (\$3,450.00); and 3.3 hours at a rate of \$290 per hour for external legal counsel to review its intervention and conduct legal research (\$994.71 with the HST).

7. PIAC submitted that the TSPs that participated in the proceeding are the appropriate parties to be required to pay any costs awarded by the Commission (the costs respondents). PIAC suggested that responsibility for payment of costs should be divided among them based on their gross revenues or a similar factor.

### **Commission's analysis**

8. The criteria for an award of costs are set out in section 68 of the Rules of Procedure, which reads as follows:
  68. The Commission must determine whether to award final costs and the maximum percentage of costs that is to be awarded on the basis of the following criteria:
    - (a) whether the applicant had, or was the representative of a group or a class of subscribers that had, an interest in the outcome of the proceeding;
    - (b) the extent to which the applicant assisted the Commission in developing a better understanding of the matters that were considered; and
    - (c) whether the applicant participated in the proceeding in a responsible way.
9. In Telecom Information Bulletin 2016-188, the Commission provided guidance regarding how an applicant may demonstrate that it satisfies the first criterion with respect to its representation of interested subscribers. In the present case, PIAC has demonstrated that it meets this requirement. PIAC represented the interests of Canadian consumers, including vulnerable and low-income consumers, who have an interest in the outcome of the proceeding because nuisance calls can seriously affect them, and would be interested in the measures being taken to mitigate and/or address such calls.
10. PIAC has also satisfied the remaining criteria through its participation in the proceeding. In particular, PIAC's submission expressed strong support for taking measures to combat nuisance calls, noting two main concerns that, in PIAC's opinion, should be addressed before the traceback process is mandated: (i) the implications for small TSPs, and (ii) the need to better understand related consumer issues. PIAC also submitted that, if the traceback process is mandated, all consumer issues and safeguards should be carefully considered, including the impact on consumers' privacy and data.
11. The rates claimed in respect of legal fees are in accordance with the rates established in the *Guidelines for the Assessment of Costs*, as set out in Telecom Regulatory Policy 2010-963. The Commission finds that the total amount claimed by PIAC was necessarily and reasonably incurred and should be allowed.

12. This is an appropriate case in which to fix the costs and dispense with taxation, in accordance with the streamlined procedure set out in Telecom Public Notice 2002-5.
13. The Commission has generally determined that the appropriate costs respondents to an award of costs are the parties that have a significant interest in the outcome of the proceeding in question and have participated actively in that proceeding. The Commission considers that Bell Canada and its affiliates (Bell Canada et al.);<sup>1</sup> Bragg Communications Incorporated, carrying on business as Eastlink; Cogeco Communications inc., on behalf of Cogeco Connexion inc.; Iristel Inc.; Quebecor Media Inc., on behalf of its affiliates Freedom Mobile Inc. and Videotron Ltd.; Rogers Communications Canada Inc., including Shaw Group and Shaw Telecom G.P. (RCCI); Saskatchewan Telecommunications; SSI Micro Ltd., doing business as SSI Canada; TBayTel; TekSavvy Solutions Inc.; and TELUS Communications Inc. (TCI) had a significant interest in the outcome of the proceeding and participated actively throughout the proceeding. Therefore, these parties are the appropriate costs respondents to PIAC's application for costs.
14. The Commission considers that, consistent with its practice, it is appropriate to allocate the responsibility for payment of costs among costs respondents based on their telecommunications operating revenues (TORs) as an indicator of the relative size and interest of the parties involved in the proceeding.<sup>2</sup>
15. However, as set out in Telecom Order 2015-160, the Commission considers \$1,000 to be the minimum amount that a costs respondent should be required to pay, due to the administrative burden that small costs awards impose on both the applicant and costs respondents.
16. Accordingly, the Commission finds that the responsibility for payment of costs should be allocated as follows:<sup>3</sup>

<b>Company</b>	<b>Proportion</b>	<b>Amount</b>
Bell Canada et al.	39.70%	\$1,764.74
RCCI	32.69%	\$1,452.80
TCI	27.61%	\$1,227.17

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<sup>1</sup> The following TSPs are included as part of Bell Canada et al.: Bell Aliant Regional Communications, Limited Partnership; Bell Mobility Inc.; DMTS, a division of Bell Canada; Distributel Communications Limited.; EBox, a division of Bell Canada; FibreOP; Groupe Maskatel Québec LP; KMTS, a division of Bell Canada; Lucky Mobile; NorthernTel, Limited Partnership; Northwestel Inc.; Ontera, a division of NorthernTel; Solo Mobile; Télébec, Société en commandite; and Virgin Technologies Inc.

<sup>2</sup> TORs consist of Canadian telecommunications revenues from local and access, long distance, data, private line, Internet, and wireless services.

<sup>3</sup> In this order, the Commission has used the TORs of the costs respondents based on their most recent audited financial statements.

## Directions regarding costs

17. The Commission approves the application by PIAC for costs with respect to its participation in the proceeding.
18. Pursuant to subsection 56(1) of the *Telecommunications Act*, the Commission fixes the costs to be paid to PIAC at \$4,444.71.
19. The Commission directs that the award of costs to PIAC be paid forthwith by Bell Canada et al., RCCI, and TCI according to the proportions set out in paragraph 16.

Secretary General

## Related documents

- *Call for comments – Proposed conditions of service requiring implementation of the call traceback process by telecommunications service providers providing voice telecommunications services*, Compliance and Enforcement Notice of Consultation CRTC 2024-43, 28 February 2024, as amended by Compliance and Enforcement Notice of Consultation CRTC 2024-43-1, 4 March 2024
- *Guidance for costs award applicants regarding representation of a group or a class of subscribers*, Telecom Information Bulletin CRTC 2016-188, 17 May 2016
- *Determination of costs award with respect to the participation of the Ontario Video Relay Service Committee in the proceeding initiated by Telecom Notice of Consultation 2014-188*, Telecom Order CRTC 2015-160, 23 April 2015
- *Revision of CRTC costs award practices and procedures*, Telecom Regulatory Policy CRTC 2010-963, 23 December 2010
- *New procedure for Telecom costs awards*, Telecom Public Notice CRTC 2002-5, 7 November 2002